

### REMARKS

Reconsideration of the rejection of Claims 1-3, 5-7, 9, 10 and 15-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,786,998 to Neeson et al. in view of U.S. Patent No. 5,533,695 to Heggstad et. al., and Claims 4, 20, 21 and 46-49 further in view of Cowan (U.S. Patent No. 5,848,064), Swensen et al. (U.S. Patent No. 5,420,883) and Ehrenberger et al. (U.S. Patent No. 5,785,283) is hereby requested.

Claim 1 has been amended. Amended Claim 1 recites:

A method of transferring files between a computer onboard a train and remote stations comprising:

collecting one or more of event recorder data, train performance data and track data from onboard in files on the on-board computer;

~~determining on board if a remote station is within communication range by one of determining onboard location of train and location of next remote station and transmitting a wireless query and monitoring for a response~~ determining the location of the train and whether the train is within communication range of one of the remote stations, the determining being made by using location information about the train and the remote stations stored on the computer onboard the train;

~~attempting and establishing from onboard the train a wireless communication between the on-board computer and with one of the remote station-stations determined to be within communication range; and~~

~~determining onboard the train which of the files are new since a last transmission and transferring the new files to one of the remote station-stations determined to be within communication range~~ (deletions are lined out and additions are underlined).

The present disclosure, inter alia, relates to a method involving **the collection of operational data** on a computer onboard on a locomotive. After that, **on-board the locomotive**, the location of the train is determined, and it is also determined whether the train is within communication range of one of the remote stations. Both of those determinations are made by using location information about the train and the remote stations, the location information being stored on the computer onboard the train. After that, from onboard the train a wireless communication is established with one of the remote stations that was determined to be within communication range. It is further determined onboard the train which of the files are

new since a last transmission, and the new files are transferred to one of the remote stations determined to be within communication range.

Applicants respectfully suggest that none of the applied prior art references, individually or in combination, disclose, teach or suggest the following claimed feature of the present application, as recited above in amended Claim 1: "determining the location of the train and whether the train is within communication range of one of the remote stations, the determining being made by using location information about the train and the remote locations stored on the computer onboard the train".

Based upon the above, Applicants respectfully assert that Claim 1 is now in condition for allowance, and such is respectfully requested.

Claims 12-14, which depend from Claim 1 and which were previously withdrawn, are now in condition for allowance for at least the same reason as Claim 1, and for their own limitations as well, and such is respectfully requested.

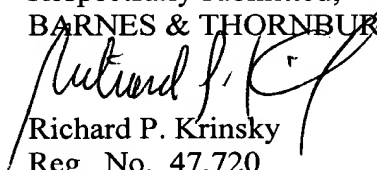
Claim 51 has been added. The subject matter is supported by the Specification at page 22, line 9.

Claims 2-4, 7, 9-10, 15-21, 46-49 and 51 depend from Claim 1 and are in condition for allowance for at least the same reason as Claim 1, as well as for their own limitations, and such is respectfully requested.

In view of all of the above, the Application is now deemed to be in condition for allowance and such is respectfully requested.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (509/35644).

Respectfully submitted,  
BARNES & THORNBURG LLP

  
Richard P. Krinsky  
Reg. No. 47,720

(202) 289-1313

BARNES & THORNBURG LLP

Suite 900

750 17<sup>th</sup> Street, N.W.

Washington, DC 20006-4607